

**TOWN OF NEEDHAM
CONSERVATION COMMISSION
MEETING MINUTES
Thursday, October 8, 2015**

LOCATION: Public Services Administration Building (PSAB), Charles River Room

ATTENDING: Janet Carter Bernardo, Stephen Farr, Peter Oehlkers, Alison Richardson, Sharon Soltzberg, Matthew Varrell (Director of Conservation), Debbie Anderson (Conservation Specialist)

GUESTS: John Adams, Sarah Adams, Kathy D'Addesio, Representative Denise Garlick, Joan Hafner, William Hayes, Shirley Klepadlo, Mark McDonough, Edward Olsen, Brandon Riley, Daniel Rukakoski, Robert Sheehan, Kevin Tierney, Karen Trask, Dylan Venell

J. Carter Bernardo opened the public meeting at 7:33 pm.

MISCELLANEOUS BUSINESS:

MINUTES:

Motion to approve the Meeting Minutes of September 24, 2015, as revised, by S. Farr, seconded by S. Soltzberg, approved 5-0-0

ENFORCEMENT & VIOLATION UPDATES

30 WAYNE ROAD

M. Varrell gave the Commission an update, stating that the Notice of Intent application had been submitted earlier in the day, as required by the Commission. The hearing has been scheduled for October 22, 2015.

10-16 CHARLES STREET

M. Varrell stated that the property owner, Kathleen Powers, had been asked to attend the Conservation Commission meeting to give the Commission an update on the status of the project. K. Powers had contacted M. Varrell prior to the meeting and stated that she had found a contractor, Hugo DiMartino of Walpole, to complete the work. She noted that the contractor stated he could start the work in two weeks and it would take approximately one week to complete. She will forward the contract to M. Varrell as soon as she receives it. M. Varrell will continue to monitor progress of the work.

SOLAR CITY – NEEDHAM RECYCLING AND TRANSFER STATION

M. Varrell provided an update on the tree replacement mitigation requirements. Greg Smith of the RTS had indicated that replanting in the disturbed area does not make sense at this time as the entire site will be undergoing master planning activities. Edward Olsen, Superintendent of the Needham Parks & Forestry Dept. was present at the meeting as well as a representative from Solar City, Dylan Venell. E. Olsen has been working with D. Venell to draft a plan to incorporate the twenty (20) replacement trees onto various other town owned properties for the ten (10) trees that were removed without authorization. E. Olsen reviewed the various locations for the proposed plantings. D. Venell stated they were hoping to install the trees by mid-October. At this time, the Contractor who will be installing the trees has not been chosen but they will keep the Commission informed.

D. Venell confirmed that the \$2,000 fine payment has been mailed. He noted that there is one more tree located outside the Buffer Zone that needs to be removed. He confirmed that trenching would take place within the 100-foot Buffer Zone and would begin next week. He will notify M. Varrell when they will be starting. E. Olsen noted that approximately 50% of the tree replacement would take place within the 100-foot Buffer Zone.

HEARINGS

1 ELIZABETH CIRCLE – *continued* NOTICE OF INTENT (DEP FILE #234-743)

Applicant: Jeff Birnbaum

Project: An after-the-fact application for disturbance of Riverfront Area. The Applicant previously removed nine (9) trees and graded the lot, stockpiling all topsoil. Proposed work includes re-landscaping of the lot, including planting of new trees and shrubs, sodding of the lawn, and installation of a patio and fire pit, which is partially within Riverfront Area. An existing fence is proposed to be replaced. The Applicant is proposing to remove an additional five (5) trees within Riverfront Area.

Present for the Applicant: No one

Supporting Documents include:

- ☐ WPA Form 3 – Notice of Intent and supporting documents received May 21, 2015
- ☐ Needham Wetlands Protection Bylaw Application for Permit received May 21, 2015
- ☐ Plan entitled: “Site Plan of Land in Needham, MA 1 Elizabeth Circle”, prepared by Everett M. Brooks Co., signed and stamped by Michael S. Kosmo, P.E. #31480 and Bruce Bradford, P.L.S. #38376, dated 11/4/14 (revised 5/18/15).
- ☐ Plan entitled: “Landscape Plan Birnbaum Residence Elizabeth Circle, Needham, MA”, prepared by Belmont Landscape & Tree, dated 4/15/15, revised 6/25/15
- ☐ Document entitled “Alternative Analysis for 1 Elizabeth Circle”, received at the 6/25/15 Conservation Commission hearing.
- ☐ Document entitled “Alternative Analysis for 1 Elizabeth Circle”, dated August 19, 2015
- ☐ Plan entitled: “L-1 Landscape Plan Birnbaum Residence Elizabeth Circle, Needham, MA”, prepared by Belmont Landscape & Tree, dated 9/29/15.

J. Carter Bernardo opened the public hearing at 7:50 p.m.

M. Varrell stated DEP had issued File #234-743 and that Mr. Birnbaum was unable to attend the Hearing.

The Commission had requested that the Applicant provide a revised Landscaping Plan that includes revisions, proposed plant sizes, and includes the 200-foot Riverfront Area line. M. Varrell reported that the revised plan had been submitted.

Motion to close the Public Hearing for 1 ELIZABETH CIRCLE (DEP File #234-743) by S. Farr, seconded by P. Oehlkers, approved 4-0-1 (A. Richardson abstained).

Motion to issue the Order of Conditions for 1 ELIZABETH CIRCLE (DEP File #234-743) by S. Farr, seconded by P. Oehlkers, approved 4-0-1 (A. Richardson abstained).

LINDEN STREET/CYPRESS STREET – NOTICE OF INTENT (DEP FILE #234-741)

Applicant: Jorge Oslan, Oak Street LLC

Project: Utility work to connect the proposed utilities from Cypress Street to existing utilities in Linden Street and for the construction of Cypress Street. Portions of the work are located within the 100-foot Buffer Zone to Bordering Vegetated Wetlands. The proposed limit of work is approximately 23 feet from the limits of BVW. One tree is proposed to be removed.

Present for the Applicant: No one

Supporting Documents include:

- ❑ WPA Form 3 – Notice of Intent and supporting documents received August 27, 2015
- ❑ Needham Wetlands Protection Bylaw Application for Permit received August 27, 2015
- ❑ **Plan entitled: “Notice of Intent Conservation Commission Plan and Profile Intersection of Cypress & Linden Street Needham, Mass.”, prepared by Field Resources, Inc., stamped and signed by Bradley J. Simonelli, P.L.S. #47581, dated 8/20/15.**

J. Carter Bernardo opened the public hearing at 7:55 p.m.

M. Varrell noted that neither the Applicant nor their Representative was present. Several abutters were in attendance. The Commission allowed the abutters’ time to make statements regarding the proposed project.

1. Shirley Klepadlo of 23 Blake Street presented photos to the Commission showing previous flooding in the area and expressed her concern as to where stormwater will go once the project is complete.
2. Kathy D’Addesio of 110 Linden Street spoke of the high water table in the area and the flooding that takes place on Linden Street. She also stated that she has an agreement with the Applicant that the Applicant will install plantings to block her view of the work. She is willing to work with the Conservation Commission to choose appropriate species and installation locations.
3. Karen Trask of 98 Linden Street described flooding right up to the bottom of her driveway.
4. Robert Sheehan of 95 Linden Street stated that he was concerned about the Applicant’s plan to raise the grades by approximately 5-feet and the repercussions that will have on the drainage in the area. He noted that he had approached the town DPW to request tying into the town drain system and they refused, stating that it was at capacity. He would like to have a P.E. stamp on the final plan so there is some proof that the drainage was designed by a professional and adequately reviewed.
5. Abutters were in agreement that Linden Street has flooded numerous times and that the water has been as high as the car axles driving on the road.

J. Carter Bernardo explained to the abutters that she had requested all the stormwater calculations from the entire site for her review, as well as, requested contours be added to the plan. She agreed that the plan should be stamped by a P.E. and stated she had many more questions for the Applicant before she would be comfortable approving a plan. J. Carter Bernardo suggested that the Applicant could read the minutes from the Conservation Commission meeting when they became available to discern what additional information is still outstanding.

Motion to continue the public hearing for Linden Street/Cypress Street (DEP File #234-741) (for additional information) to November 12, 2015 at 7:45 p.m. by S. Farr, seconded by P. Oehlkers, approved 5-0-0. Note: the meeting should have been continued to the scheduled meeting of November 5, 2015 at 7:45 p.m. The Conservation Department will mail notices to the abutters who attended the meeting to alert them of the date change.

OTHER BUSINESS

REQUEST FOR MINOR MODIFICATION – NEWMAN FIELDS AND EASTMAN CONSERVATION AREA IMPROVEMENTS PROJECT (DEP FILE #234-726)

Brandon Riley from Weston & Sampson explained the proposed Modifications. The proposed Minor Modifications include:

1. Minor regrading and repaving of an existing sidewalk that connects the Newman School to Great Plain Avenue.
2. Replacement of an existing 12-inch culvert beneath the sidewalk with a 12-inch ductile iron culvert (maintaining existing invert elevations).
3. Installation of handrails on portions of the sidewalk near the connection to the newly constructed paved pathway (in accordance with ADA requirements).
4. Permanent vegetative stabilization of all disturbed soils in the vicinity of the work.

B. Riley explained that the contractor would prefer to use conventional bituminous pavement in the area (rather than porous) because the path will be salted. The existing path is currently impervious and the width of the path is proposed to be reduced slightly. Erosion controls are proposed as well as environmental monitoring. A. Richardson questioned what seed mix they were proposing to install on the sides of the path. E. Olsen stated that they mow 36-inches on both sides of the path. B. Riley stated they would install jute netting to stabilize the slopes if there is not enough time for seed to germinate this year.

Motion to approve the Minor Modifications to the Order of Conditions for Newman Fields and Eastman Conservation Area Improvements Project (DEP File #234-726) by S. Farr, seconded by P. Oehlkers, approved 5-0-0

DISCUSSION – EVERSOURCE ENERGY RIGHT-OF-WAY MAINTENANCE ACTIVITIES

J. Carter Bernardo stated that the Commission had received a letter dated September 2, 2015, from Northern Tree Service providing notice of planned and scheduled vegetation maintenance work on the Eversource Energy electric transmission right-of-way (ROW) within the Town of Needham and within “close proximity to and/or within wetland resource areas”. She stated that the Needham Wetlands Bylaw requires the utility to provide written notice to the Commission 14 days prior to the scheduled work. They do not need to file for a Permit through the Bylaw but must meet the Performance Standards. Senior Arborist with Eversource Energy, Bill Hayes and Dan Rukakoski from Tighe & Bond were present. J. Carter Bernardo asked for clarification as to whether the vegetation clearing was a federal mandate. Mr. Hayes explained that the voltage of these particular lines is too low to trigger the federal mandate. They are subject to many regulators, including the Federal Energy Regulatory Commission (FERC). B. Hayes noted that once you get to Chestnut Street in Needham the line is made up of two separate lines and is regionally critical. He explained that in the Needham/Dover portion of the project to Chestnut Street in Needham is a 100-foot right-of-way (ROW), with the transmission line in the center, so they will clear 50-feet on either side. From Chestnut Street to Route 128, the transmission line is offset because of the railroad property and they will clear 45-feet on either side. Beyond Route 128, clearing will be 35 feet on either side.

D. Rukakoski stated the trees to be removed are “incompatible” trees or any tree that grows to over 25 feet at maturity such as white pine, red oak, hickory, cherry and maple. J. Carter Bernardo asked if the trees to

be removed would be “tagged” first. D. Rukakoski replied that they did not intend to tag the trees prior to removal. Mowing of black locust and red maple saplings would take place in the DCR Red Wing Bay area. Closer to the water they would hand-cut instead of using the flail mower. The shrubs will not be touched including smaller dogwood and apple trees. He stated that Northern Tree Service will be doing the tree cutting from the Dover line to Chestnut Street. From Chestnut Street, Asplundh Tree Company will perform the work. The slope near the railroad bed in this area would be cut. S. Soltzberg asked if they distinguished between native and invasive species when cutting. D. Rukakoski stated they would cut buckthorn but not loosestrife or knotweed. They would cut down to the ground but could leave larger sized “snags” if the opportunity presents itself.

J. Carter Bernardo asked specifically about areas in the Commission’s jurisdiction. Larger sideline trees they will try and prune. There are much larger trees in the Elmwood neighborhood. Swamp mats would be used if a forestry vehicle is necessary to prune a leader off in wetland areas. They will use mats if they are crossing a wetland area as well. If there are any clusters of “incompatible” tree saplings in the wetland, they would install swamp mats then go in and mow. He stated they did not have any erosion concerns in these areas. A. Richardson questioned how often this maintenance takes place. D. Rukakoski stated that a mechanical clearing such as this takes place every four to five years. He stated the work from the Dover line to Chestnut Street will mainly consist of keeping the “floor” of the easement clear. From Chestnut Street on is mainly in the railroad bed. Maintenance in the railroad bed is more difficult to coordinate therefore it has not occurred in many years.

S. Farr asked whether M. Varrell will be notified when work will take place within the Commission’s jurisdiction. D. Rukakoski stated that a good amount of notification will take place including Ed Olsen and members of the Selectmen. He stated that the work will begin in November. P. Oehlkers asked what mitigation measures are proposed in the Commission’s jurisdiction. He explained his concern was regarding wildlife habitat as far as removing the trees. D. Rukakoski replied that in his experience, mitigation plantings tend to get overwhelmed and lost by natural re-vegetation. M. Varrell asked if any of the utility companies had done research on the success rate of the mitigation plantings. D. Rukakoski stated that he didn’t know of any. M. Varrell stated that National Grid had done a plantings effort in North Andover over ten years ago and questioned whether it had been monitored and whether data was available.

J. Carter Bernardo asked if the Commission should be concerned that the proposed tree removal could cause flooding issues by not taking up water. D. Rukakoski replied that he didn’t think that would be an issue. He mentioned that those trees to be removed in the railroad right-of-way are difficult to access up a steep slope which is why they haven’t previously been cut.

Representative Denise Garlick had the following comments and questions:

1. Representative Garlick asked for clarification regarding marking of the trees for removal. D. Rukakoski replied that they were talking about marking trees in specific neighborhoods from Chestnut Street east to Route 128. He added that if they were removing trees on a homeowner’s property and they requested they mark out the trees ahead of time, they could do that. He noted that in most areas they are right at the easement edge so most of the larger trees are already removed. Representative Garlick stated that at a meeting earlier in the week, an Eversource spokesperson had stated that all the trees would be marked prior to removal. Included at this meeting were representatives of the properties in question, including DCR, who manages Red Wing Bay. D. Rukakoski stated that as far as marking of the trees, he had not been at the meeting earlier in the week but understood from his managers, Tony Johnson and Mark Reed, who did

attend the meeting, that they would mark trees in specific neighborhoods. The Parks & Forestry Supervisor, Edward Olsen stated that he had offered his services to attend meetings with any homeowner that has trees proposed for removal on their property.

J. Carter Bernardo stated that the Commission would like the trees that are to be removed in their jurisdiction to be marked. D. Rukakoski noted that it wouldn't really serve a purpose to mark every tree to be removed within the right-of-way itself. Under the wires, 15-feet from the conductors shrubs will remain. S. Farr mentioned that M. Varrell most likely would not have the time to go look at every tree that is marked for removal. M. Varrell concurred. J. Carter Bernardo stated that the Trustees of Reservations and DCR, who own some of the property where trees will be cut, are under the assumption that the trees will be marked. D. Rukakoski stated that he will clarify that with his manager. Representative Garlick stated that only the trees that are a threat to the utility should be removed, not those that are not a "danger" to become a threat. She stated that she would think which trees that are to be removed would be imperative for the Commission to know. In addition she noted that, of the thirty or so people present at the meeting earlier in the week, only one person was a homeowner, the rest were from various town departments.

2. Representative Garlick asked for clarification about the size of trees to be removed. Are only trees 25 feet and taller to be removed or are any seedlings and saplings of trees that can grow to over 25 feet to be removed as well. D. Rukakoski confirmed in addition to trees, any seeds and saplings of "incompatible" species would be removed.
3. Representative Garlick stated that once the trees are cut on properties, the homeowners are concerned about the use of herbicides to keep re-growth from occurring. D. Rukakoski stated that the proposed herbicide treatment for invasive buckthorn would be implemented on next years' program from Chestnut Street back to Dover.
4. Representative Garlick stated that the area of steep slopes that lead down to the railroad tracks is an area of concern for erosion and she is glad the Commission is discussing it. From Chestnut Street to Route 128 and Great Plain Avenue, a cut, stump treatment will be implemented on hardwood trees that grow through "suckers" especially in the area of the slope to the railroad right-of-way. A. Richardson expressed her concern for treating all the stumps on the slope thereby killing everything which will lead to erosion as the roots are holding the soil in place. D. Rukakoski replied that they will not be "clear cutting" the area. J. Carter Bernardo asked if there was an erosion control plan in place. D. Rukakoski replied that they don't expect there to be any erosion, and the area would be monitored for several years.
5. Representative Garlick noted that there may be a stream running behind the properties on Elmwood. Mark McDonough of 173 Fairfield Street stated that a stream begins off of Grosvenor Road, follows along the railroad easement and discharges into the marsh off Greendale Road. He stated that he wants to know how the watershed would be protected from any erosion due to the tree removal activities. J. Carter Bernardo noted that several applications from homeowners on Grosvenor Road have come before the Commission but the resources in that area are not shown on these plans and asked D. Rukakoski to follow up.
6. Representative Garlick asked now that the Commission knows work may take place in their jurisdiction, how they will verify the information they will get from Eversource and convey it to the Public. M. Varrell will work with Eversource and conduct site visits as necessary. Representative Garlick asked if this could be a public process and added to the Town's "Hot

Topic” website and as new information is developing it can be added. Town Manager, Kate Fitzpatrick, organizes the “Hot Topics” link. J. Carter Bernardo asked if the plans are on the site. They are not but should be added.

Sarah Adams of 98 Elmwood Road stated that her husband has installed 4x8 wooden rails behind their property which is the steepest in the neighborhood to prevent erosion. She stated that she would like D. Rukakoski to come out to her property with E. Olsen and explain exactly what they plan to do on her property.

Kevin Tierney of Broadmeadow Road asked about the proposed work in the Red Wing Bay area. He stated that he spends a lot of time there walking. D. Kukakoski stated that none of the larger trees including the large oak in the field and the hickory tree on the Trustees of Reservations land near the wall would be removed.

J. Carter Bernardo stated that the Commission will be expecting a revised plan (31 of 34) from Eversource and that the Commission will provide a response letter to the September 3, 2015 letter that had been submitted by Eversource. She stated that the Commission requires Eversource to keep in contact with the Conservation Department staff and E. Olsen on the status of the project. A. Richardson asked what happens to the brush removed by the flail mower. D. Kukakoski replied everything is mulched in place. J. Carter Bernardo expressed concern regarding the operators of the machinery and whether they are careful to only cut what they are supposed to. D. Kukakoski replied that the companies they use are reputable and they are not there to clearcut, only to remove the “incompatible” species.

Representative Garlick stated that the Town has been assured by Eversource that each day they are in Town working, they will report to E. Olsen and each day they are in Town they will report which site they are working that day. In addition, a representative of Eversource will be on site every day they are working. She suggested that the Commission’s staff be included in work notifications to assist in monitoring of the work and intercede, if necessary. J. Carter Bernardo concurred that she wants M. Varrell to be informed when work is taking place in the Commission’s jurisdiction.

DISCUSSION – SUGGESTED CONSERVATION COMMISSION 2016 MEETING SCHEDULE

The Commission will review the proposed schedule and inform the Agent if they have any conflicts with any of the proposed meeting dates.

Motion to adjourn the meeting by S. Farr, seconded by P. Oehlkers, approved 5-0-0.

The meeting was adjourned at 9:50pm.

NEXT PUBLIC HEARING

Thursday, October 22, 2015 at 7:30 PM in the Public Services Administration Building, Charles River Room.